



**FW: Arkwood--Issues with C.C. ("Bud") Grisham and Visitors 5/2 Site Visit -
REPLY**

Stephen Tzhone to: Tina Kirst

08/22/2012 03:37 PM

From: Stephen Tzhone/R6/USEPA/US
To: Tina Kirst/R6/USEPA/US@EPA

Stephen Tzhone thanks for the headsup, I'm actually on a confere...

05/07/2012 04:04:55 PM

From: Stephen Tzhone/R6/USEPA/US
To: "Mescher, Jean" <Jean.Mescher@McKesson.com>
Date: 05/07/2012 04:04 PM
Subject: Re: FW: Arkwood--Issues with C.C. ("Bud") Grisham and Visitors 5/2 Site Visit - REPLY

thanks for the headsup, I'm actually on a conference call with EPA HQ right now until ~3:45pm Central so will not make the Arkwood call. However, I'll touch base with you at 4pm.

Thanks,

Stephen L. Tzhone
Superfund Remedial Project Manager
USEPA Region 6 (6SF-RA)
214.665.8409
tzhone.stephen@epa.gov

"Mescher, Jean" Stephen,

05/07/2012 02:59:13 PM

From: "Mescher, Jean" <Jean.Mescher@McKesson.com>
To: Stephen Tzhone/R6/USEPA/US@EPA
Date: 05/07/2012 02:59 PM
Subject: FW: Arkwood--Issues with C.C. ("Bud") Grisham and Visitors 5/2 Site Visit - REPLY

Stephen,

FYI - I don't see you copied below.

Jean

From: John Edgcomb [mailto:jedgcomb@edgcomb-law.com]
Sent: Monday, May 07, 2012 2:56 PM
To: Gloria-Small Moran
Cc: Carlos Sanchez; Ungvarsky, Carole; das.smcrrh@mac.com; Mescher, Jean; Shawn Ghose
Subject: RE: Arkwood--Issues with C.C. ("Bud") Grisham and Visitors 5/2 Site Visit - REPLY

Gloria:

Call in no.: **1-877-699-4804**
Passcode: **415-399-1555**

John D. Edgcomb

Edgcomb Law Group
115 Sansome Street, Suite 700
San Francisco, California 94104
T 415.399.1555 | F 415.399.1885
www.edgcomb-law.com

Please be advised that this e-mail and any files transmitted with it are confidential attorney-client communication or may otherwise be privileged or confidential and are intended solely for the individual or entity to whom they are addressed. If you are not the intended recipient, please do not read, copy or retransmit this communication but destroy it immediately. Any unauthorized dissemination, distribution or copying of this communication is strictly prohibited.



Please consider the effects on the environment before printing this e-mail.

From: Gloria-Small Moran [mailto:Moran.Gloria-Small@epamail.epa.gov]
Sent: Monday, May 07, 2012 12:47 PM
To: John Edgcomb
Cc: Carlos Sanchez; Ungvarsky, Carole; das.smcrh@mac.com; Mescher, Jean; Shawn Ghose
Subject: RE: Arkwood--Issues with C.C. ("Bud") Grisham and Visitors 5/2 Site Visit - REPLY

John:

Carlos Sanchez and I are available to speak to you at 3:00pm Central Time today. Stephen Tszhone, the new RPM, will join as well, if he is available.

If you would like to provide a toll free call in number and passcode, please send it as soon as possible.

Gloria Moran
Assistant Regional Counsel
Superfund Branch (6RC-S)
U.S.EPA, Region 6
1445 Ross Avenue
Dallas TX 75202-2733
214-665-3193
214-665-6460 (fax)
moran.gloria-small@epamail.epa.gov

From: John Edgcomb <jedgcomb@edgcomb-law.com>
To: Gloria-Small Moran/R6/USEPA/US@EPA
Cc: Carlos Sanchez/R6/USEPA/US@EPA, Shawn Ghose/R6/USEPA/US@EPA, "Ungvarsky, Carole" <Carole.Ungvarsky@McKesson.com>, "das.smcrh@mac.com" <das.smcrh@mac.com>, "Mescher, Jean" <Jean.Mescher@McKesson.com>
Date: 05/07/2012 02:08 PM
Subject: RE: Arkwood--Issues with C.C. ("Bud") Grisham and Visitors 5/2 Site Visit - REPLY

Hi Gloria:

Thank you for your response. Jean and I are available for a call this afternoon, just let us know when you have in

mind. We can use our toll free call in number and passcode if that's convenient for you, again, just let me know.

Also, Don Smith's office received the attached handwritten note and attached form from Bud Grisham by fax on Saturday 5/5 regarding a proposed release form for visitors and sign-in sheet. We thought you should have it to keep you informed on relevant developments.

Thank you,

John

John D. Edgcomb

Edgcomb Law Group

115 Sansome Street, Suite 700

San Francisco, California 94104

T 415.399.1555 | F 415.399.1885

www.edgcomb-law.com

Please be advised that this e-mail and any files transmitted with it are confidential attorney-client communication or may otherwise be privileged or confidential and are intended solely for the individual or entity to whom they are addressed. If you are not the intended recipient, please do not read, copy or retransmit this communication but destroy it immediately. Any unauthorized

dissemination, distribution or copying of this communication is strictly prohibited.



Please consider the effects on the environment before printing this e-mail.

From: Gloria-Small Moran [<mailto:Moran.Gloria-Small@epamail.epa.gov>]

Sent: Friday, May 04, 2012 3:05 PM

To: John Edgcomb

Cc: Carlos Sanchez; Ungvarsky, Carole; das.smcrh@mac.com; Mescher, Jean; Shawn Ghose

Subject: Re: Arkwood--Issues with C.C. ("Bud") Grisham and Visitors 5/2 Site Visit - REPLY

John:

The EPA will continue to remain involved in the access issues at the Arkwood site. I will contact you by phone on Monday, May 7, 2012 in the afternoon.

Gloria Moran

Assistant Regional Counsel

Superfund Branch (6RC-S)

U.S.EPA, Region 6

1445 Ross Avenue

Dallas TX 75202-2733

214-665-3193

214-665-6460 (fax)

moran.gloria-small@epamail.epa.gov

From: John Edgcomb <jedgcomb@edgcomb-law.com>

To: Gloria-Small Moran/R6/USEPA/US@EPA

Cc: Carlos Sanchez/R6/USEPA/US@EPA, Shawn Ghose/R6/USEPA/US@EPA, "Mescher, Jean" <Jean.Mescher@McKesson.com>, "Ungvarsky, Carole" <Carole.Ungvarsky@McKesson.com>, "das.smcrh@mac.com" <

das.smcrh@mac.com>

Date: 05/04/2012 04:56 PM

Subject: Arkwood--Issues with C.C. ("Bud") Grisham and Visitors 5/2 Site Visit

Gloria:

McKesson is having serious issues with Mr. C.C. ("Bud") Grisham, Sr. and the visitors he is bringing to the Arkwood Site ("Site"). Please see the attached report McKesson received from its on-site representative about the conduct of Mr. Grisham and his visitors during their Site visit on Wednesday, May 2.

In short:

- Mr. Grisham and his visitors (except Hallie Grisham) refused to enter any information into McKesson's Visitor's Log and the unknown visitors refused to otherwise identify themselves;
- Mr. Grisham had apparently directed some of his visitors to intentionally evade McKesson's representative who was there to escort them around the property, and they drove across the Site unescorted, directly contrary to McKesson's request;
- Mr. Grisham and his visitors, unescorted, drove a vehicle across a portion of the Site cap.

Based on discussions he has had with McKesson representatives, it appears that Mr. Grisham believes, at least in part based on his prior communications with USEPA Region 6, that he has no obligation to comply with McKesson's requests regarding on-Site visits and that he and his guests can engage in unlogged, unescorted inspections of the Site as demonstrated by their behavior on Wednesday. McKesson, as Project Coordinator, is now in a quandary. It is granting access to the Site to its owner's legally-designated representative as required by Region 6, while also trying to meet its obligations to maintain Site security and protect human health and the environment. However, the Site owner, leveraging the access required by Region 6, refuses to comply with McKesson's reasonable access requirements. In our telephone conversation on Tuesday, you indicated that at sites where EPA is the Project Coordinator and is itself cleaning up the site, EPA requires site visitors (including owners I assume) to: 1) sign in on a visitor's log; 2) hear a safety briefing; and 3) be escorted around the property, presumably to insure no damage is caused to EPA's remediation equipment or remedial features, such as a site cap. We request that USEPA assist McKesson in enforcing similar requirements on the Site owner's representative and his visitors at the Arkwood Site.

We also take this opportunity to bring to your attention the fact that when USEPA and McKesson's predecessor MMI reached agreement on performance of an RI/FS for this Site in 1987, the Site ownership group, including Mr. Bud Grisham, refused to provide Site access, requiring Region 6 to refer the matter to the Department of Justice, which filed suit against the Site owners in April, 1987. It took more than a year before the Site owners finally entered into a July, 1988 Consent Order with EPA (attached) requiring them to provide access and, per Section V.E, to agree that:

"[T]he defendants and their successors and assigns shall not use any portion of the Site in any manner that would adversely affect the implementation of the RI/FS or subsequent response action at the Site by the EPA, its authorized representative, or its contractors or consultants."

McKesson submits that the actions of Bud Grisham and his visitors on May 2, as reflected in the attached email,

are adversely affecting the response action implemented by EPA's "authorized representative" at the Site, McKesson, including the permanent cap and institutional controls (i.e. site fencing and access control).

Can you please let me know your soonest availability for a conference call with me and Jean Mescher to discuss how EPA can assist McKesson in requiring Mr. Grisham and his visitors to comply with its reasonable Site access requests, consistent with those required of visitors at EPA's own sites, and stop taking actions adversely affecting the Site response action? We look forward to hearing from you.

Thank you, John

John D. Edgcomb

Edgcomb Law Group

115 Sansome Street, Suite 700

San Francisco, California 94104

T 415.399.1555 | F 415.399.1885

www.edgcomb-law.com

Please be advised that this e-mail and any files transmitted with it are confidential attorney-client communication or may otherwise be privileged or confidential and are intended solely for the individual or entity to whom they are addressed. If you are not the intended recipient, please do not read, copy or retransmit this communication but destroy it immediately. Any unauthorized

dissemination, distribution or copying of this communication is strictly prohibited.



Please consider the effects on the environment before printing this e-mail.

[attachment "2012-0503 email re May 2 B. Grisham Arkwood site visit (00032982).MSG" deleted by Gloria-Small Moran/R6/USEPA/US] [attachment "1988-0711 United States and Ormond Group Consent Decree re Arkwood Site access, etc. (00032820).PDF" deleted by Gloria-Small Moran/R6/USEPA/US] [attachment "00033002.PDF" deleted by Gloria-Small Moran/R6/USEPA/US]